



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard E. Weller et al.

Application No. 09/853,507

Filed: May 9, 2001

Confirmation No. 7165

For: STIMULUS SENSITIVE GEL WITH
RADIOISOTOPE AND METHODS OF
MAKING

Examiner: Dameron L. Jones

Art Unit: 1616

Attorney Reference No. 23-65306-01

MAIL STOP ISSUE FEE
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP ISSUE FEE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Lisa M. Caldwell

Date Mailed September 9, 2004

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Petition to Accord Correct Filing Date Under 37 C.F.R. § 1.10 (w/Previously Filed Petition for the same and PTO acknowledgement of correct filing date - Exhibits A and B)
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Lisa M. Caldwell

Registration No. 41,653

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446cc: Client
Docketing



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Attorney
for Applicant(s) Lisa M. Caldwell

Date Mailed September 9, 2004

PETITION TO ACCORD CORRECT FILING DATE UNDER 37 C.F.R. § 1.10

MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Despite Applicants' previous successful petition to accord the above-referenced application the correct filing date, the U.S. Patent and Trademark Office (PTO) does not appear to have corrected the filing date in its records and continues to indicate the incorrect filing date in correspondence with Applicants. **Applicants' filing date is May 9, 2001, not May 10, 2001**, as indicated in the PTO's most recent correspondence. Applicants request that the PTO update its records to reflect Applicants' correct May 9, 2001, filing date.

Applicants filed on June 5, 2001, a petition to accord this application the correct May 9, 2001, filing date, a copy of which is attached as Exhibit A. As shown in Exhibit A, Applicants provided Applicants' Express Mail receipt showing May 9, 2001, as the date in and a copy of an Express Mail Corporate Account Mailing Statement showing the same. The PTO confirmed that its records reflected the correct May 9, 2001, filing date for this application in the Office action dated August 8,

2002, attached as Exhibit B. That Office action states, "It is duly noted that Applicant has requested that the filing date be corrected. PTO records indicated that the filing date for 09/853,507 is 5/9/01." (Emphasis added.)

However, it does not appear that the corrected date has been made of record. Accordingly, Applicants request that the filing date be corrected and that a new official Filing Receipt be issued.

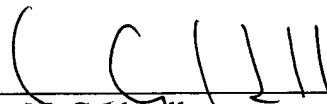
Please return the enclosed postcard to confirm that the items listed above have been received.

Please call the undersigned if any further information is required.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Lisa M. Caldwell
Registration No. 41,653

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Client
Docketing



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Richard E. Weller, Michael A. Lind,
Darrell R. Fisher, Anna Gutowska, and
Allison A. Campbell

S. N.: 09/853,507

Filed: May 9, 2001

For: STIMULUS SENSITIVE GEL WITH
RADIOISOTOPE AND METHODS
OF MAKING

Art Unit: 1619

Examiner:

Our Ref. No: E-1507 CON

Date: 6/5/2001

REQUEST FOR CORRECTION OF FILING DATE TO
"DATE IN" AS ON OUR EXPRESS MAIL CORPORATE ACCOUNT MAILING
LABEL AND CERTIFICATE OF MAILING

Box Patent Application
Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Enclosed please find the following:

1. Express Mail Corporate Account Mailing Statement with the "Date"

box marked with the date 05/09/01 for Label # EJ200815363US;

2. Certificate of Mailing showing the date of deposit of 05/09/01 and
the Express Mail mailing label EJ200815363US;

Per 37 CFR 1.10(c), we respectfully request the PTO accord the
filing date of 05/09/01 to the correspondence listed in the Certificate of Mailing, which is

EXHIBIT

tabbies

A

the date of deposit as shown by the "date" on the Express Mail Corporate Account mailing statement.

Because the erroneous date appears to be an error from within the U.S. PTO, the undersigned believes no fee is needed for relief.

Respectfully submitted,


Stephen R. May
Reg. No. 29,255

Stephen R. May (K1-53)
Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Laboratories
P.O. Box 999
Richland, WA 99352
(509) 375-2387

E-150700N
5/9/01



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Time	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day <input type="checkbox"/>
Weight	Int'l Alpha Country Code
lbs. 13	Acceptance Clerk Initials
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FROM: (PLEASE PRINT)
Stephen R. May
Intellectual Property Services
Patent Resource Institute
Pacific Northwest National Laboratory
P.O. Box 999 (MSIN K1-53)
Richland, WA 99352

PHONE 1 509 375-2387

TO: (PLEASE PRINT)
Box Patent Application
Commissioner for Patents
Washington, DC 20231

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JUN 13 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

The Application of)
Richard E. Weller, Michael A. Lind,) Art Unit: 1619
Darrell R. Fisher, Anna Gutowska, and) Examiner:
Allison A. Campbell)
S. N.: 09/853,507) Our Ref. No: E-1507 CON
Filed: May 9, 2001) Date: June 6, 2001
For: STIMULUS SENSITIVE GEL WITH)
RADIOISOTOPE AND METHODS)
OF MAKING)

CERTIFICATE OF MAILING

Box Patent Application
Commissioner for Patents
Washington, DC 20231

Dear Sir:

the undersigned hereby certifies that the attached:

- ☒ Request for Correction of Filing Date
- ☒ Copy of Express Mail Corporate Account Mailing Statement showing the date of deposit 5/9/01
- ☒ Copy of Certificate of Mailing showing the date of deposit 5/09/01
- ☒ Copy of Express Mailing Label EJ200815363US showing the date of deposit 5/9/01
- ☒ Fee Sheet (2 ea.)
- ☒ Return Receipt Postcard

are being deposited with the United States Postal Service as:

- ☒ First Class Mail
- ☐ Express Mail - Label

in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.

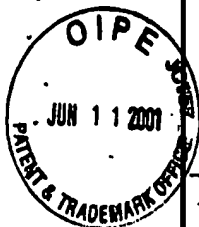
Rebecca B. Rupp
Signature

June 6, 2001
Date

Rebecca B. Rupp K1-53
Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Laboratories
P.O. Box 999
Richland, WA 99352
(509) 375-2536

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL For FY 2001		Complete If Known	
Patent fees are subject to annual revision.		Application Number	09/853,507
		Filing Date	05/09/01
		First Named Inventor	Weller et al.
		Examiner Name	not yet assigned
		Group/Art Unit	1619
		Attorney Docket No.	E-1507 CON
TOTAL AMOUNT OF PAYMENT (\$)		0	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																								
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 02-1275 Deposit Account Name: Battelle Memorial Institute - PND <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status	3. ADDITIONAL FEES <table border="1"><thead><tr><th>Large Entity Fee</th><th>Small Entity Fee</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge- late filing fee or oath</td><td></td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge- late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr><tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr><tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Requesting for oral hearing</td><td></td></tr><tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>600</td><td>224</td><td>300</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td colspan="5">Other fee (specify)</td><td></td></tr><tr><td colspan="5">*Reduced by Basic Filing Fee Paid</td><td></td></tr><tr><td colspan="5">SUBTOTAL (3) (\$)</td><td></td></tr></tbody></table>	Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid	105	130	205	65	Surcharge- late filing fee or oath		127	50	227	25	Surcharge- late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Requesting for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Stephen R. May	Registration No. (Attorney/Agent)	29,255
Signature	<i>Stephen R. May</i>	Telephone	(509) 375-2387
		Date	June 6, 2001

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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							PICKUP	DELIVERY			
BEGINNING BALANCE:						130.75					
04/20/01		EJ200815385US	99352	20231		12.25					
04/23/01		EJ200815394US	99352	20231		16.00					
04/25/01		EJ200815403US	99352	20231		16.00					
04/25/01		EJ200815417US	99352	20231		16.00					
04/27/01		EJ570939765US	99352	20231		16.00					
05/07/01		EJ200815377US	99352	20231		12.25					
05/09/01		EJ200815363US	99352	20231		16.00					
05/10/01		EJ200815350US	99352	20231		12.25					
SUB-TOTAL:						116.75					
(A) TOTAL CHARGES :						116.75	0.00	0.00			
(B) TOTAL ADJUSTMENTS (S):						0.00	0.00	0.00			
(C) TOTAL REFUNDS (M):						0.00	0.00	0.00			
TOTAL (A + B - C):						116.75	0.00	0.00			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
RE Weller, MA Lind, DR Fisher)
A Gutowska, and AA Campbell)
)
)
For: STIMULUS SENSITIVE GEL)
WITH RADIOISOTOPE AND)
METHODS OF MAKING)

Our Ref. No: E-1507 Con
Date: May 9, 2001

CERTIFICATE OF MAILING

Box PATENT APPLICATION
Commissioner for Patents
Washington, DC 20231

Dear Sir:

The undersigned hereby certifies that the attached:

- ☒ [X] True and exact copy of Patent Application of 49 pages, and
- ☒ [X] Drawings of 2 Sheets
- ☒ [X] Fee Transmittal (2 ea.)
- ☒ [X] Copy of Assignment / Cvr. Sheet
- ☒ [X] Copy of Combined Declaration and Power of Attorney
- ☐ [] Information Disclosure
- ☐ [] with attachments

are being deposited with the United States Postal Service as:

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- in an envelope addressed to the Commissioner for Patents,
Washington, D.C. 20231, on the date set forth below.

Janice K. Laybourn
Signature

May 9, 2001
Date Deposited

Janice K. Laybourn K1-53
Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Laboratories
P.O. Box 999
Richland, WA 99352
(509) 375-2655



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,507	05/10/2001	Richard E. Weller	E-1507 CON	7165

7590

08/08/2002

Intellectual Property Services
Battelle Memorial Institute
Pacific Northwest Division
P.O. Box 999
Richland, WA 99352

23-65306

EXAMINER

JONES, DAMERON LEVEST

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 08/08/2002

DDD: 11/8/02
Docket ☒ N sm
Database ☒ N sm
Debit Y ☒ sm
Number N/A

Please find below and/or attached an Office communication concerning this application or proceeding.

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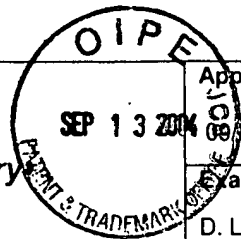
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Office Action Summary



Application No.

09/853,507

Applicant(s)

WELLER ET AL.

Examiner

D. L. Jones

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002 and 31 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-16,18-21,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 17,22 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

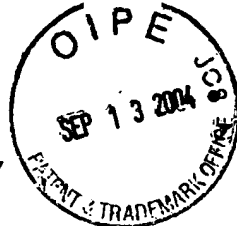
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:



APPLICANT'S INVENTION

1. Applicant's invention is directed to stimulus sensitive gels comprising radioisotopes.

RESPONSE TO APPLICANT'S ELECTION

2. Applicant's election with traverse of Group VIII (claims 1, 2, and 5-27) in Paper No. 6, filed 5/31/02, is acknowledged. However, Applicant did not set forth reasons why the restriction is improper. Thus, the restriction is still deemed proper and is therefore made FINAL.

Note: It should be noted that claims 1, 2, and 5-27 will only be examined to the extent that they read on a radioisotope carrier comprising a gelling copolymer comprising methacrylamide.

WITHDRAWN CLAIMS

3. Claims 3 and 4 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention/species.

DOUBLE PATENTING REJECTION

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 2, 5-16, 18-21, 23, and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-13, 15-25, 30, and 31 of U.S. Patent No. 6,296,831. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant invention encompass those of the patented invention. In particular, it is noted that the radioisotope carrier in the instant invention is not limited to a reversible gelling copolymer as the patented invention.

112 REJECTIONS

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1616

7. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20, lines 4, 7, 9, and 11: The claim as written is ambiguous because of the term 'derivatives'. In particular, it is unclear what compounds are encompassed in Applicant's definition since a skilled practitioner in the art would not know which portion of the parent compound remains in the derivatives. Thus, it is respectfully suggested that Applicant delete the term.

CLAIM OBJECTIONS

8. Claims 17, 22, and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

COMMENTS/NOTES

9. It is duly noted that Applicant has requested that the filing date be corrected. PTO records indicated that the filing date for 09/853,507 is 5/9/01. If the filing date is incorrect, Applicant is respectfully requested to submit the appropriate document in order that the correct date may be of record.

10. Applicant is respectfully requested to submit the year of reference 'DD' appearing on the information disclosure statement submitted 2/7/02, Paper No. 5.

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11. Claims 1, 2, and 5-27 are allowable over the prior art of record; however, Applicant MUST address and overcome the double patenting and 112 rejections. In particular, the claims are allowable over the prior art of record because the prior art neither anticipates nor renders obvious a radioisotope carrier as set forth in independent claim 1.

The closest art of record is Applicant's own work, US Patent No. 6,296,831, which is cited in the double patenting rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. L. Jones whose telephone number is (703) 308-4640. The examiner can normally be reached on Mon.-Fri. (alternate Mon.), 6:45 a.m. - 4:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose' Dees can be reached on (703) 308- 4628. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and (703) 308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.


D. L. Jones
Primary Examiner
Art Unit 1616

July 25, 2002

Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEDOCKET NO.:
E-1507 CONSERIAL NO.:
09/853207LIST OF ART CITED BY APPLICANT
(Use several sheets if necessary)

APPLICANT: RE Weller et al.

FILING DATE:
05/09/2001GROUP
1619

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
AD	A	3,866,050	02/11/1975	Whitfield	250	497	
	B	4,190,461	02/26/1980	Hedger	134	1	
	C	4,510,924	04/16/1985	Gray	128	1.2	
	D	4,754,745	07/05/1988	Horowitz	128	1.2	
	E	4,763,462	08/16/1988	Horowitz	128	1.2	
	F	5,227,969	07/13/1993	Waggener et al.	364	413.26	
	G	5,322,499	06/21/1994	Liprie	600	8	
	H	5,424,288	06/13/1995	Order	514	2	
	I	5,538,726	07/23/1996	Order	424	178.1	
	J	5,562,594	10/08/1996	Weeks	600	3	
	K	5,561,698	10/01/1996	Mick et al.	378	162	
	L	5,631,337	05/20/1997	Sassi et al.	526	307.2	
	M	5,635,709	06/03/1997	Sliski et al.	250	252.1	
	N	5,702,717	12/30/1997	Cha et al.	424	425	
	O	5,762,903	06/08/1998	Park et al.	424	1.29	
	P	5,820,879	10/13/1998	Fernandez et al.	424	450	
	Q	5,942,209	08/24/1999	Leavitt et al.	424	1.25	
	R	6,015,541	01/18/2000	Greff et al.	424	1.25	
TS	S	H669	09/05/1989	Fairchild et al.	600	3	

FOREIGN PATENT DOCUMENTS

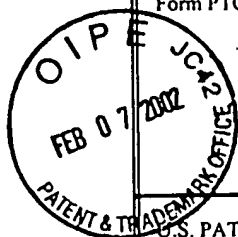
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							Yes	No
TS	T	WO 95/24430	09/14/1995	PCT	N/A	N/A	X	
	U	WO 97/09068	03/13/1997	PCT	47	48	X	
	V	WO 97/33628	09/18/1998	PCT	51	12	X	
	W	WO 98/55147	12/10/1996	PCT	47	00	X	
TS	X	0730871 A1	09/11/1996	EP	51	06	X	

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, Etc.)

Y	"Conjugates of Stimuli-Responsive Polymers and Biomolecules: Random and Site-Specific Conjugates of Temperature-Sensitive Polymers and Proteins", by AS Hoffman et al., pg. 553-563. 1997.
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D Jones

7/24/02



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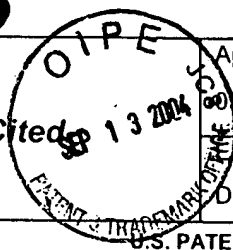
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Page 2 of 2
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		"Copper Chelates as Probes of Biological Systems: Stable Copper Complexes with a New Group of Ligands and a New Agent", by MK Moi et al., pg. 249-253. 1985.
	AA	"Environmentally Sensitive Polymers and Hydrogels", by AS Hoffman, pg. 42-46. 1991.
	BB	"Gelation of Globular Proteins: Effect of pH and Ionic Strength on the Critical Concentration for Gel Formation. A Simple model and its application to β -Lactoglobulin Heat-Induced Gelation.", pg. 287-291. 1992.
	CC	"Hawley's Condensed Chemical Dictionary", by RJ Lewis, Sr., pg. 28, 124-125, 256, 785. 1993.
	DD	"Hydrogels in Medicine and Pharmacy", Volume II Polymers, by NA Peppas, pg. 115-160. 1993.
	EE	"Intelligent Gels", by Y Osada et al., pg. 82-87. 1993.
	FF	"Intratumoral Radiomunotherapy of a Human Colon Cancer Xenograft Using a Sustained-Release Gel", by Ning et al., pg. 179-189. 1996.
	GG	"Lower Critical Solution Temperatures of Aqueous Copolymers of N-Isopropylacrylamide and Other N-Substituted Acrylamides", by JH Priest et al., pg. 255-264. 1987.
	HH	"Phase Transitions in Cross-Linked Gels of Natural Polymers", by T Amiya et al., pg. 1162-1164. 1987.
	II	"Polymer Communications", by Q Yan et al., pg. 887-889. 1995.
	JJ	"Synthesis, Characterization, and $1/T_1$ NMRD Profiles of Gadolinium (III) Complexes of Monoamide Derivatives of DOTA-Like Ligands." By. S Aime et al., pg. 2422-2428. 1991.
	KK	"Synthesis and Characterization of the Gadolinium (3+) Complex of DOTA-Propylamide: A Model DOTA-Protein Conjugate." By. AD Sherry et al., pg. 620-622. 1989.
	LL	"Temperature Dependence of Swelling of Crosslinked Poly(N, N'-Alkyl Substituted Acrylamides) in Water." by, YH Bae et al., pg. 923-936. 1990.
	MM	"Thermosensitive Polymers for Drug Delivery", by A Gutowska et al., pg. 115-116. 1996.
EXAMINER		DATE CONSIDERED
D. Jones		7/24/01
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Notice of References Cited



Application/Control No.

09/853,507

Examiner

D. L. Jones

Applicant(s)/Patent Under
Reexamination
WELLER ET AL.

Art Unit

1616

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US4296,831 B1	10-2001	Weller et al	424/1.29
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.